

[San Francisco and Santa Rosa Chapter 13 Calendar Procedures:](#)

Revised:
Thursday, July 6, 2017

UNITED STATES BANKRUPTCY COURT

NORTHERN DISTRICT OF CALIFORNIA

San Francisco and Santa Rosa

CALENDAR PROCEDURES

INTRODUCTION

hearing. If the Basic Steps discussed below have been completed prior to the first date set for the of creditors has concluded and no objections to confirmation have been filed or such objections have been resolved and withdrawn without judicial intervention, will transfer the case to the Chapter 13 Case Confirmation List (Confirmation List), taking the matter off calendar. A text entry reporting the transfer to the Confirmation List will be docketed and ECF Registered Users will receive a Notice of Electronic Filing to that effect. The Trustee will give written notice to pro se debtors or non-ECF Registered Users. The Confirmation List will also be posted on the Trustee's website.

Plans in cases on the Confirmation List will be confirmed as of the next regularly scheduled Chapter 13 calendar.

[CHAPTER 13](#)

If the Basic Steps have not been completed, the §341 meeting of creditors has not been concluded or other Trustee's issues have not been resolved in time for transfer of a case to the Confirmation List, the Trustee will transfer the case to the Trustee's Case Pending List (TPL), taking the case off calendar. A text entry reporting the transfer to the TPL will be docketed and ECF Registered Users will receive a Notice of Electronic Filing to that effect. The Trustee will give written notice to pro se debtors or non-ECF Registered Users. The TPL will also be posted on the Trustee's website.

BASIC STEPS

When a Chapter 13 case is filed, the §341 Notice will include a date and time for the [confirmation](#). A case will not be moved from the TPL to the Confirmation List until all objections are resolved and the documents listed below have been delivered to the Trustee and the §341 meeting of creditors has been concluded. The basic documents are:

- confirmation hearing, the [§341 meeting](#).
- × Copy of federal income tax return or tax transcript for the prior calendar year;
- × Payment Advices or Certification (See General Order 32);
- the [Trustee](#).
- × Completed Business Questionnaire (if requested by the Trustee);
- × Declaration regarding any pending loan modification application.

If these documents (and other documents that the Trustee may request) are not provided to the Trustee at least seven (7) days prior to the §341 meeting of creditors, that meeting will be continued

and the case will remain on the TPL.

CALENDAR

has not yet been confirmed by the first date set for confirmation will not come before the court unless and until action by a judge is required to resolve factual or legal issues. Generally, the Chapter 13 Contested Matter Calendar (Contested Matter Calendar) will consist of a few contested matters fully ready for judicial resolution and a few trial-setting conferences ready for trial on matters. Examples are: objections to confirmation, objections to the plan, and other matters. Other matters may be set upon approval of the assigned judge's calendar clerk.

Settings on this calendar will not normally occur until the Basic Steps have been completed and all documents and information requested by the parties (including the Trustee) have been provided; negotiations in a good faith attempt to resolve the dispute have been completed; and the parties are ready to submit the dispute for resolution by the court or to have the matter set for trial on a later date. Pending chapter 13 cases in which the [plan](#)

Contested matters that do not require the taking of testimony may be placed on the Contested Matter Calendar provided the issue is properly served and noticed within twenty-eight (28) days of the regular Chapter 13 calendar date as posted on the Trustee's and the court's website.

Alternatively, the Court encourages the parties to use the notice and opportunity for a hearing option of BLR 9014-1 for motions to value liens, and not to set such matters for hearing unless the lienholder files an objection to the motion.

to claims, motions to value liens, fee applications and motions for hardship [discharge](#)

Any evidentiary hearing must be scheduled by the court. Time for trial-setting conferences will be made available on the Contested Matter Calendar, but the parties must meet and confer beforehand to attempt to agree upon a schedule. If the parties are able to agree upon a schedule, and if the trial will be a day or less, counsel are requested to obtain a trial date through the appropriate courtroom deputy, rather than set the matter on the Contested Matter Calendar.

PROCEDURE FOR PLACING MATTERS ON CONTESTED MATTER CALENDAR

A party who believes a legal or factual dispute in a case should be set on the Contested Matter Calendar must file and serve a proper Notice of Chapter 13 Contested Matter (a newly created docket event) at least twenty-eight (28) days before the hearing. The notice must specify what relief is sought from the court. Chambers copies should be sent to the assigned judge's chambers. At least ten (10) days before the hearing date a party should remove their case from the Contested Matter Calendar or continue it to a future Contested Matter Calendar for any matter that is not ready to be submitted for decision or trial scheduling.

PRE-CONFIRMATION DISMISSAL CALENDAR

The court will no longer conduct status conferences regarding cases on the TPL to monitor debtors' progress in completing the Basic Steps, complying with Trustee's requests for declarations, or the plan, filing objections to claims, filing motions to , providing details of pending loan modifications, etc. Instead, the Trustee will afford

a reasonable time to take the action requested, and will file a Motion to Dismiss if debtor does not timely comply.

In those cases where the debtor's attorney appears to have not provided prompt responses to the Trustee's request or otherwise is responsible for unreasonable delay, the Motion to Dismiss may include a request for disgorgement of the attorney's retainer.

Any such Motion to Dismiss will be placed on the Pre-Confirmation Dismissal Calendar. Trustee will serve a Motion to Dismiss twenty-eight (28) days before the Pre-Confirmation Dismissal Calendar unless the court shortens time on the Trustee's request.

Debtors should not expect to avoid dismissal through last-minute compliance that Trustee is unable that compliance effected less than fourteen (14) days before the Motion to Dismiss hearing date will cause Trustee to withdraw or continue, or the court to deny or continue such a motion. Unless there has been timely compliance, opposition to a Motion to Dismiss must be filed and served fourteen days before the hearing or the case may be dismissed and the matter dropped from calendar without further notice.

POST-CONFIRMATION DISMISSAL CALENDAR

After plans have been confirmed, if payments are delinquent, the plan is over-term, or other grounds exist for the Trustee to seek dismissal of the case, the Trustee may file a Motion to Dismiss and place the motion on the Post-Confirmation Dismissal Calendar. Trustee will serve a Motion to Dismiss twenty-eight (28) days before the Post-Confirmation Dismissal Calendar unless the court shortens time on the Trustee's request.

to confirm. Debtors should not [assume](#)

CALENDAR TIMES

Judge Blumenstiel's calendar will be called at 10:00 a.m. and begin with the Confirmation List and Post-Confirmation Dismissal Calendar. Her Pre-Confirmation Dismissal and Chapter 13 Contested Matter Calendars will be called at 10:10 a.m.

Judge Montali's San Francisco calendar will be called at 1:00 p.m. and begin with the Confirmation List and Post-Confirmation Dismissal Calendar. His Pre-Confirmation Dismissal and Chapter 13 Contested Matter Calendars will be called at 1:10 p.m.

Effective July 1, 2017: Judge Montali's Santa Rosa calendar will be called at 1:00 p.m. and begin with the Confirmation List and Post-Confirmation Dismissal Calendar. His Pre-Confirmation Dismissal and Chapter 13 Contested Matter Calendars will be called at 1:10 p.m.

Chapter 13 Calendar dates are posted on the Judges' Calendar pages of the court's website.

San Francisco and Santa Rosa Chapter 13 Calendar Procedures:

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